

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Roderick L. Hymon,
Plaintiff,
v.
State of Nevada,
Defendant.

Case No. 2:23-cv-01856-GMN-EJY

ORDER

On November 8, 2023, Plaintiff, an inmate in the custody of Clark County Detention Center, filed what appears to be a motion for a preliminary injunction (the “Initiating Document”) thereby commencing a civil action in this Court. ECF No. 1-1.

Under Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a complaint with the court.” U.S. District Court District of Nevada Local Rule LSR 2-1 states: “[a] civil-rights complaint filed by a person who is not represented by an attorney must be submitted on the form provided by this court or must be legible and contain substantially all the information called for by the court’s form.” Plaintiff’s Initiating Document is not on the Court’s form, fails to include a list of defendants, and fails to state a claim upon which relief may be granted or request for relief other than an immediate injunction.

Plaintiff also failed to file a complete *in forma pauperis* (“IFP”) application for an inmate or pay the required filing fee. Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to commence a civil action may apply to proceed *in forma pauperis*, which allows the inmate to file the civil action without prepaying the \$402 filing fee. Plaintiff has neither paid the filing fee nor filed an application to proceed *in forma pauperis*. On page 4 of Plaintiff’s submission, he states he is moving “to proceed in forma pauperis” and includes a financial certificate. ECF No. 1-1 at 4, 5. The Court notes this is not sufficient to apply for *in forma pauperis* status.

To apply for *in forma pauperis* status Plaintiff must submit **three** required documents to the Court. These include: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3), (2)

1 a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4
2 of this Court's approved form), and (3) a copy of the **inmate's prison or jail trust fund account**
3 **statement for the previous six-month period.**

4 Accordingly, IT IS HEREBY ORDERED that on or before **January 31, 2024**, Plaintiff must
5 submit a complaint.

6 IT IS FURTHER ORDERED that on or before **January 31, 2024**, Plaintiff must either pay
7 the \$402 filing fee for a civil action or file with the Court: (1) a complete **Application to Proceed**
8 **in Forma Pauperis for Inmate** on the Court's approved form; (2) a **Financial Certificate** properly
9 signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail**
10 **trust fund account statement for the previous six-month period.**

11 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the approved
12 form for filing a 42 U.S.C. § 1983 complaint including instructions for the same as well as the
13 approved form application to proceed *in forma pauperis* for inmate along with the information and
14 instructions for filing the same.

15 IT IS FURTHER ORDERED that failure to timely comply with this Order will result in a
16 recommendation to dismiss this action **without prejudice**. A dismissal without prejudice allows
17 Plaintiff to file his case with the Court, under a new case number, when he is able to file a complete
18 complaint and file a complete application to proceed *in forma pauperis* or pay the required filing
19 fee.

20 DATED this 17th day of November, 2023.

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23 ELAYNA J. YOUCHAK
24 UNITED STATES MAGISTRATE JUDGE
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